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January 7, 2003
By: *Diana Schaller*
Diana Schaller

Attorney Docket No: 0162.210US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Liu, et al.

Application No.: 09/932,254

Filed: August 16, 2001

For: NOVEL CONSTRUCTS AND THEIR USE IN
METABOLIC PATHWAY ENGINEERING

Examiner: Bronwen Leb

Art Unit: 1636

COMMUNICATION

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, mailed December 16, 2002, the following are provided:

- (1) a copy of the NOTICE;
- (2) a substitute computer readable copy of the Sequence Listing;
- (3) a Preliminary Amendment with paper Sequence Listing;
- (4) a statement under 37 C.F.R. §§ 1.821(f) and (g); and
- (5) a receipt indication postcard.

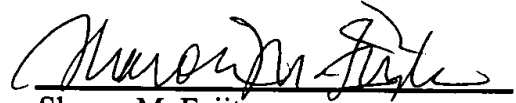
Application No.: 032,254
Filing Date: August 16, 2001
Page 2 of 2

No fee is believed due in connection with the present submission. However, if a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 50-0990.

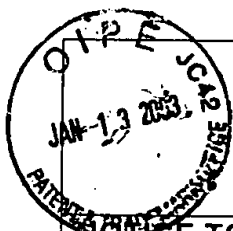
January 1, 2003

MAXYGEN, INC.
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063
(650) 298-5421 (telephone)
(650) 298-5446 (facsimile)

Respectfully submitted,



Sharon M. Fujita
Attorney for Applicants
Reg. No. 38,459



Notice to Comply

Application No.

09/932,254

Examiner

Bronwen M. Loeb

Applicant(s)

LIU ET AL.

Art Unit

1636

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



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(Modified) PTO/SB/21 (6-98)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/932,254

Filing Date

August 16, 2000

First Named Inventor

Liu Lu, et al.

Group Art Unit

1635

Examiner Name

Bronwen Loeb

Total Number of Pages in This Submission

8

Attorney Docket Number

0162.210 US

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
☐ Fee Attached
☒ Amendment / Response
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts/ Incomplete Application
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Small Entity Statement
☐ Request for Refund

- ☐ After Allowance Communication to Group
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Additional Enclosure(s) (please identify below):

Communication; substitute computer readable copy of sequence listing; copy of Notice to Comply; Statement under 37 CFR 1.821 (f) & (g); return postcard.

Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Sharon M. Fujita
Maxygen, Inc.

Signature

Date

January 7, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: January 7, 2003

Typed or printed name

Diana Schaller

Signature

Date

January 7, 2003

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